

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference JSony-708PCT	FOR FURTHER ACTION	
See item 4 below		
International application No. PCT/JP2005/013399	International filing date (<i>day/month/year</i>) 21 July 2005 (21.07.2005)	Priority date (<i>day/month/year</i>) 21 July 2004 (21.07.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SONY CORPORATION		

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																									
<p>3. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> <td style="width: 15%; text-align: center; padding: 5px;">Box No. I</td> <td style="width: 70%; padding: 5px;">Basis of the report</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;">Box No. II</td> <td style="padding: 5px;">Priority</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;">Box No. III</td> <td style="padding: 5px;">Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;">Box No. IV</td> <td style="padding: 5px;">Lack of unity of invention</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 5px;">Box No. V</td> <td style="padding: 5px;">Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;">Box No. VI</td> <td style="padding: 5px;">Certain documents cited</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;">Box No. VII</td> <td style="padding: 5px;">Certain defects in the international application</td> </tr> <tr> <td style="text-align: center; padding: 5px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 5px;">Box No. VIII</td> <td style="padding: 5px;">Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<p style="text-align: right;">Date of issuance of this report 23 January 2007 (23.01.2007)</p>	
<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Authorized officer Masashi Honda</p> <p>e-mail: pt08@wipo.int</p>

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

(Redacted)		Date of mailing (day/month/year)																																																																																																												
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2005/013399

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2005/013399

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																			
<p>1. Statement</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; padding: 5px;">Novelty (N)</td> <td style="width: 50%; padding: 5px;">Claims <u>1-6</u></td> <td style="width: 25%; padding: 5px;">YES</td> </tr> <tr> <td style="padding: 5px;">Claims</td> <td colspan="2" style="padding: 5px;"><hr/></td> </tr> <tr> <td style="padding: 5px;">Inventive step (IS)</td> <td style="padding: 5px;">Claims <u>1-6</u></td> <td style="padding: 5px;">YES</td> </tr> <tr> <td style="padding: 5px;">Claims</td> <td colspan="2" style="padding: 5px;"><hr/></td> </tr> <tr> <td style="padding: 5px;">Industrial applicability (IA)</td> <td style="padding: 5px;">Claims <u>1-6</u></td> <td style="padding: 5px;">YES</td> </tr> <tr> <td style="padding: 5px;">Claims</td> <td colspan="2" style="padding: 5px;"><hr/></td> </tr> </table> <p>2. Citations and explanations:</p> <p>Document 1: JP 2003-317376 A (Sony Corp.) 07 November 2003, Full text; all drawings & WO 2003/088058 A1 & EP 1496440 A1 & US 2005/0075981 A1</p> <p>Document 2: JP 2002-514326 A (FINJAN SOFTWARE, LTD.) 14 May 2002, Full text; all drawings & WO 1998/021683 A2 & WO 1999/035583 A2</p> <p>Document 3: JP 2005-141635 A (Sony Corp.) 02 June 2005, Full text; all drawings & US 2005/0114333 A1 & EP 1530113 A1</p> <p>Document 4: JP 2001-78154 A (Matsushita Electric Industrial Co., Ltd.) 23 March 2001, Full text; all drawings (Family: none)</p> <p>(Concerning claims 1-6)</p> <p style="margin-left: 20px;">The inventions of claims 1-6 appear to involve an inventive step over documents 1-4 cited in the ISR. Documents 1-4 do not describe a constitution wherein a first transfer processing section and a second transfer processing section are provided; nor can this point be easily conceived of by a party skilled in the art from the descriptions of these documents.</p>			Novelty (N)	Claims <u>1-6</u>	YES	Claims	<hr/>		Inventive step (IS)	Claims <u>1-6</u>	YES	Claims	<hr/>		Industrial applicability (IA)	Claims <u>1-6</u>	YES	Claims	<hr/>	
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第I欄 見解の基礎

1. この見解書は、下記に示す場合を除くほか、国際出願の言語を基礎として作成された。

この見解書は、_____語による翻訳文を基礎として作成した。
それは国際調査のために提出されたPCT規則12.3及び23.1(b)にいう翻訳文の言語である。

2. この国際出願で開示されかつ請求の範囲に係る発明に不可欠なスクレオチド又はアミノ酸配列に関して、
以下に基づき見解書を作成した。

a. タイプ 配列表

配列表に関連するテーブル

b. フォーマット 表面

コンピュータ読み取り可能な形式

c. 提出時期 出願時の国際出願に含まれる

この国際出願と共にコンピュータ読み取り可能な形式により提出された

出願後に、調査のために、この国際調査機関に提出された

3. さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

4. 捷足意見：

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求の範囲 1-6	有
	請求の範囲	無
進歩性 (I S)	請求の範囲 1-6	有
	請求の範囲	無
産業上の利用可能性 (I A)	請求の範囲 1-6	有
	請求の範囲	無

2. 文献及び説明

文献1 : JP 2003-317376 A (ソニー株式会社) 2003.11.07, 全文, 全図 & WO 2003/088058 A1 & EP 1496440 A1 & US 2005/0075981 A1

文献2 : JP 2002-514326 A (フィンジャン ソフトウェア, リミテッド) 2002.05.14, 全文, 全図 & WO 1998/021683 A2 & WO 1999/035583 A2

文献3 : JP 2005-141635 A (ソニー株式会社) 2005.06.02, 全文, 全図 & US 2005/0114333 A1 & EP 1530113 A1

文献4 : JP 2001-78154 A (松下電器産業株式会社) 2001.03.23, 全文, 全図 (ファミリーなし)

[請求の範囲 1-6 について]

請求の範囲 1-6 に係る発明は、国際調査報告で引用された文献 1-4 に対して進歩性を有する。文献 1-4 には、第1転送処理部、第2転送処理部からなる構成が記載されておらず、しかもその点は上記文献の記載から当業者が容易に想到し得ないものである。

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Name and mailing address of the ISA/JP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
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International application No.
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Box No. I Basis of this opinion

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特許協力条約

発信人 日本国特許庁 (国際調査機関)

代理人

中村 友之

様

あて名

〒105-0001

日本国東京都港区虎ノ門1丁目2番8号 虎ノ門琴
平タワー 三好内外国特許事務所内

REC'D 09 SEP 2005

WIPO

PCT

PCT

国際調査機関の見解書
(法施行規則第40条の2)
〔PCT規則43の2.1〕

発送日
(日.月.年)

06.09.2005

出願人又は代理人

の書類記号 JSONY-708PCT

今後の手続きについては、下記2を参照すること。

国際出願番号

PCT/JP2005/013399

国際出願日

(日.月.年) 21.07.2005

優先日

(日.月.年) 21.07.2004

国際特許分類 (IPC) IntCL⁷ G06F12/14, 17/60

出願人 (氏名又は名称)

ソニー株式会社

1. この見解書は次の内容を含む。

- 第I欄 見解の基礎
- 第II欄 優先権
- 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成
- 第IV欄 発明の単一性の欠如
- 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- 第VI欄 ある種の引用文献
- 第VII欄 國際出願の不備
- 第VIII欄 國際出願に対する意見

2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から2ヶ月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日

19.08.2005

名称及びあて先

日本国特許庁 (ISA/JP)
郵便番号100-8915

東京都千代田区霞が関三丁目4番3号

特許庁審査官 (権限のある職員)

平井 誠

5 S 9071

電話番号 03-3581-1101 内線 3546

第I欄 見解の基礎

1. この見解書は、下記に示す場合を除くほか、国際出願の言語を基礎として作成された。

この見解書は、_____語による翻訳文を基礎として作成した。
それは国際調査のために提出されたPCT規則12.3及び23.1(b)にいう翻訳文の言語である。

2. この国際出願で開示されかつ請求の範囲に係る発明に不可欠なスクレオチド又はアミノ酸配列に関して、
以下に基づき見解書を作成した。

a. タイプ 配列表

配列表に関するテーブル

b. フォーマット 表面

コンピュータ読み取り可能な形式

c. 提出時期 出願時の国際出願に含まれる

この国際出願と共にコンピュータ読み取り可能な形式により提出された

出願後に、調査のために、この国際調査機関に提出された

3. さらに、配列表又は配列表に関するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

4. 拡足意見：

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求の範囲 1-6	有
	請求の範囲 _____	無
進歩性 (I S)	請求の範囲 1-6	有
	請求の範囲 _____	無
産業上の利用可能性 (I A)	請求の範囲 1-6	有
	請求の範囲 _____	無

2. 文献及び説明

文献1 : JP 2003-317376 A (ソニー株式会社) 2003.11.07, 全文, 全図 & WO 2003/088058 A1 & EP 1496440 A1 & US 2005/0075981 A1

文献2 : JP 2002-514326 A (フィンジャン ソフトウェア, リミテッド) 2002.05.14, 全文, 全図 & WO 1998/021683 A2 & WO 1999/035583 A2

文献3 : JP 2005-141635 A (ソニー株式会社) 2005.06.02, 全文, 全図 & US 2005/0114333 A1 & EP 1530113 A1

文献4 : JP 2001-78154 A (松下電器産業株式会社) 2001.03.23, 全文, 全図 (ファミリーなし)

[請求の範囲 1-6 について]

請求の範囲 1-6 に係る発明は、国際調査報告で引用された文献1-4に対して進歩性を有する。文献1-4には、第1転送処理部、第2転送処理部からなる構成が記載されておらず、しかもその点は上記文献の記載から当業者が容易に想到し得ないものである。